

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

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KONINKLIJKE PHILIPS ELECTRONICS N.V. and U.S. PHILIPS CORPORATION,	:	
Plaintiffs,	:	
v.	:	Civil Action Nos.
CINRAM, et al.,	:	08CV0515 (RGS)
THE ADS GROUP, et al..	:	08CV4068 (RGS)
ENTERTAINMENT DISTRIBUTION COMPANY (USA) LLC, et al., and	:	08CV4070 (RGS)
OPTICAL EXPERTS MANUFACTURING INC., et al.	:	08CV4071 (RGS)
Defendants.	:	ECF Case
	:	

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**DEFENDANTS' REQUEST FOR MARKMAN DETERMINATION  
OF REMAINING DISPUTED TERMS**

Pursuant to D. Mass Local Rule 16.6, S.D.N.Y. Local Rule 6.3, and the Court's May 4, 2010 Memorandum and Order on Claim Construction (08cv0515 Dkt. #164), Defendants respectfully request a Markman Determination of Disputed Claim Terms that were not construed in the Court's May 4, 2010 Order. A list of these terms as well as the parties' respective proposed constructions are attached hereto as Appendix 1. The meaning of these claim terms, which are relevant to Defendants' Non-Infringement, Invalidity and Unenforceability Contentions, filed on August 14, 2009 (08cv0515 Dkt. # 122), are in controversy. Accordingly, Defendants respectfully request that the Court issue a Markman Determination of these remaining disputed claim terms in due course.

Date: May 18, 2010

Respectfully submitted,

/s/ Ivan Kavrukov

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 18th day of May, 2010, a copy of the foregoing DEFENDANTS' REQUEST FOR MARKMAN DETERMINATION OF REMAINING DISPUTED TERMS was served by email and first class mail, postage pre-paid, on the following attorneys for plaintiffs, addressed as follows:

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## APPENDIX 1

<b>Claim Term</b>	<b>Philips' Construction</b>	<b>Defendants' Construction</b>
“planar surfaces”	Relatively flat surfaces.	The flat surfaces of the substrate.
“tracks”	Rings or a spiral of depressions and intermediate areas.	Rings or a spiral of depressions (defined below) and intermediate areas (defined below) on one of the flat surfaces of the substrate.
“beam of radiation”	Directed stream of radiation within a predetermined frequency range.	A beam of radiation such as light.
“depressions”	Regions situated at a different level than the intermediate areas.	Deliberate dips or dimples into one of the flat surfaces of the substrate (rather than any inadvertent surface irregularities).
“intermediate areas”	Areas situated at a different level than the depressions.	Track lengths that contain no deliberate depressions.
“optical structure”	The structure that represents the information on the disc.	The tracks plus a reflective layer.
“radiation reflecting”	Reflects the radiation	An optical structure that reflects radiation.
“additional layer”	Another layer.	A layer that is above the optical structure and through which no radiation passes.